

City Council
Atlanta, Georgia

02-0-1608

AN ORDINANCE
BY: ZONING COMMITTEE

Z-02-65
8-13-02

BE IT ORDAINED BY THE COUNCIL OF THE CITY OF ATLANTA, GEORGIA, as follows:

SECTION 1. That the Zoning Ordinance of the City of Atlanta be amended and the maps established in connection therewith be changed so that the following property located at **920 Sells Avenue, S.W.**, be changed from the **RG-3 (Residential General-Sector 3)** District to the **MR-2 (Multi-Family Residential-Sub District 2)**, **MR-3 (Multi-Family Residential-Sub District 3)** and **MRC-1 (Mixed Residential Commercial-Sub District 1)** Districts, to wit:

ALL THAT TRACT or parcel of land lying and being in Land Lot 117 of the 14th District, Fulton County, Georgia, being more particular described by the attached legal description.

SECTION 2. If this amendment is approved under the provisions of Section 16-02-003 of the Zoning Ordinance of the City of Atlanta, entitled, "Conditional Development," as identified by the use of the suffix "C" after the district designation in Section 1 above, the Director, Bureau of Buildings, shall issue a building permit for the development of the above described property only in compliance with the attached conditions. Any conditions hereby approved (including any conditional site plan) do not authorize the violation of any zoning district regulations. District regulation variances can be approved only by application to the Board of Zoning Adjustment.

SECTION 3. That the maps referred to, now on file in the Office of the Municipal Clerk, be changed to conform with the terms of this ordinance.

SECTION 4. That all ordinances or parts of ordinances in conflict with the terms of this ordinance are hereby repealed.

C-6

LEGAL DESCRIPTION: PHASE I MRC-1

ALL THAT TRACT OR PARCEL OF LAND LYING AND BEING IN LAND LOT 117 OF THE 14TH DISTRICT OF FULTON COUNTY (CITY OF ATLANTA), GEORGIA, AND BEING MORE PARTICULARLY DESCRIBED AS FOLLOWS:

COMMENCING FROM A POINT AT THE INTERSECTION OF THE NORTH RIGHT OF WAY LINE OF CUNNINGHAM PLACE (40 FOOT TOTAL RIGHT OF WAY WIDTH) AND EAST RIGHT OF WAY LINE OF PEEPLES STREET (50 FOOT TOTAL RIGHT OF WAY WIDTH) SAID POINT BEING NORTH 51 DEGREES 29 MINUTES 00 SECONDS EAST, 31.96 FEET FROM A NAIL AND SURVEYOR'S DISK SET AT THE CENTERLINE INTERSECTION OF CUNNINGHAM PLACE AND PEEPLES STREET.

THENCE ALONG THE EAST RIGHT OF WAY LINE OF PEEPLES STREET, NORTH 00 DEGREES 00 MINUTES 44 SECONDS EAST, 720.48 FEET TO A POINT LOCATED AT THE INTERSECTION OF THE EAST RIGHT OF WAY LINE OF PEEPLES STREET AND THE SOUTH RIGHT OF WAY LINE OF SELLS AVENUE (60 FOOT TOTAL RIGHT OF WAY WIDTH).

THENCE ALONG THE SOUTH RIGHT OF WAY LINE OF SELLS AVENUE, NORTH 88 DEGREES 16 MINUTES 02 SECONDS EAST, 629.37 FEET THE POINT OF BEGINNING.

THENCE CONTINUING ALONG THE SOUTH RIGHT OF WAY LINE OF SELLS AVENUE, NORTH 88 DEGREES 16 MINUTES 02 SECONDS EAST, 220.51 FEET TO A POINT AT THE INTERSECTION OF THE SOUTH RIGHT OF WAY LINE OF SELLS AVENUE AND THE WEST RIGHT OF WAY LINE OF REVEREND JOSEPH E. LOWERY BOULEVARD (FORMERLY KNOWN AS ASHBY STREET) (50 FOOT TOTAL RIGHT OF WAY WIDTH).

THENCE ALONG THE WEST RIGHT OF WAY LINE OF REVEREND JOSEPH E. LOWERY BOULEVARD, SOUTH 00 DEGREES 17 MINUTES 01 SECONDS EAST, 255.39 FEET TO A POINT.

THENCE CONTINUING ALONG THE WEST RIGHT OF WAY LINE OF REVEREND JOSEPH E. LOWERY BOULEVARD ALONG AN ARC OF A CURVE TO THE RIGHT 40.27 FEET, SAID ARC HAVING A RADIUS OF 975.00 FEET AND BEING SUBTENDED BY A CHORD OF SOUTH 00 DEGREES 53 MINUTES 58 SECONDS WEST, 40.27 FEET TO A POINT.

THENCE CONTINUING ALONG THE WEST RIGHT OF WAY LINE OF REVEREND JOSEPH E. LOWERY BOULEVARD, SOUTH 02 DEGREES 04 MINUTES 58 SECONDS WEST, 454.13 FEET TO A POINT LOCATED AT THE INTERSECTION OF THE WEST RIGHT OF WAY LINE OF REVEREND JOSEPH E. LOWERY BOULEVARD AND THE NORTH RIGHT OF WAY LINE OF CUNNINGHAM PLACE (40 FOOT TOTAL RIGHT OF WAY WIDTH).

Z-02-65

Page 1 of 7

THENCE ALONG THE NORTH RIGHT OF WAY LINE OF CUNNINGHAM PLACE, NORTH 89 DEGREES 46 MINUTES 23 SECONDS WEST, 416.80 FEET TO A POINT.

THENCE LEAVING THE NORTH RIGHT OF WAY LINE OF CUNNINGHAM PLACE, NORTH 00 DEGREES 15 MINUTES 47 SECONDS EAST, 82.97 FEET TO A POINT.

THENCE NORTH 89 DEGREES 57 MINUTES 08 SECONDS EAST, 40.35 FEET TO A POINT.

THENCE NORTH 00 DEGREES 00 MINUTES 00 SECONDS EAST 65.21 FEET TO A POINT.

THENCE NORTH 90 DEGREES 00 MINUTES 00 SECONDS EAST, 140.88 FEET TO A POINT.

THENCE NORTH 00 DEGREES 00 MINUTES 00 SECONDS EAST, 433.55 FEET TO A POINT.

THENCE NORTH 89 DEGREES 59 MINUTES 27 SECONDS EAST, 30.65 FEET TO A POINT.

THENCE NORTH 00 DEGREES 00 MINUTES 00 SECONDS EAST, 159.39 FEET TO THE POINT OF BEGINNIG.

SAID TRACT CONTAINING 4.6668 ACRES (203,287 SQUARE FEET).

LEGAL DESCRIPTION: PHASE I MR-2

ALL THAT TRACT OR PARCEL OF LAND LYING AND BEING IN LAND LOT 117 OF THE 14TH DISTRICT OF FULTON COUNTY (CITY OF ATLANTA), GEORGIA, AND BEING MORE PARTICULARLY DESCRIBED AS FOLLOWS:

BEGINNING AT A POINT AT THE INTERSECTION OF THE NORTH RIGHT OF WAY LINE OF CUNNINGHAM PLACE (40 FOOT TOTAL RIGHT OF WAY WIDTH) AND EAST RIGHT OF WAY LINE OF PEEPLES STREET (50 FOOT TOTAL RIGHT OF WAY WIDTH) SAID POINT BEING NORTH 51 DEGREES 29 MINUTES 00 SECONDS EAST, 31.96 FEET FROM A NAIL AND SURVEYOR'S DISK SET AT THE CENTERLINE INTERSECTION OF CUNNINGHAM PLACE AND PEEPLES STREET.

THENCE ALONG THE EAST RIGHT OF WAY LINE OF PEEPLES STREET, NORTH 00 DEGREES 00 MINUTES 44 SECONDS EAST, 508.97 FEET TO A POINT.

THENCE LEAVING THE EAST RIGHT OF WAY LINE OF PEEPLES STREET, SOUTH 89 DEGREES 59 MINUTES 58 SECONDS EAST, 102.70 FEET TO A POINT.

THENCE SOUTH 00 DEGREES 00 MINUTES 00 SECONDS WEST, 85.01 FEET TO A POINT.

THENCE SOUTH 13 DEGREES 37 MINUTES 25 SECONDS EAST, 13.78 FEET TO POINT.

THENCE SOUTH 70 DEGREES 18 MINUTES 44 SECONDS EAST, 21.85 FEET TO A POINT.

THENCE SOUTH 90 DEGREES 00 MINUTES 00 SECONDS EAST, 56.19 FEET TO A POINT.

THENCE ALONG AN ARC OF A CURVE TO THE RIGHT 7.85 FEET, SAID ARC HAVING A RADIUS OF 5.00 FEET AND BEING SUBTENDED BY A CHORD OF SOUTH 44 DEGREES 59 MINUTES 57 SECONDS EAST, 7.07 FEET TO A POINT.

THENCE SOUTH 00 DEGREES 00 MINUTES 06 SECONDS WEST, 130.00 FEET TO A POINT.

THENCE SOUTH 89 DEGREES 59 MINUTES 58 SECONDS EAST, 4.03 FEET TO A POINT.

THENCE ALONG AN ARC OF A CURVE TO THE RIGHT 7.85 FEET, SAID ARC HAVING A RADIUS OF 5.00 FEET AND BEING SUBTENDED BY A

2-02-65
Page 3 of 7

CHORD OF SOUTH 44 DEGREES 59 MINUTES 59 SECONDS EAST, 7.07 FEET TO A POINT.

THENCE SOUTH 00 DEGREES 00 MINUTES 00 SECONDS WEST, 106.88 FEET TO A POINT.

THENCE ALONG AN ARC OF A CURVE TO THE RIGHT 7.85 FEET, SAID ARC HAVING A RADIUS OF 5.00 FEET AND BEING SUBTENDED BY A CHORD OF SOUTH 45 DEGREES 00 MINUTES 00 SECONDS WEST, 7.07 FEET TO A POINT.

THENCE NORTH 90 DEGREES 00 MINUTES 00 SECONDS WEST, 89.75 FEET TO A POINT.

THENCE ALONG AN ARC OF A CURVE TO THE LEFT 7.85 FEET, SAID ARC HAVING A RADIUS OF 5.00 FEET AND BEING SUBTENDED BY A CHORD OF SOUTH 45 DEGREES 00 MINUTES 00 SECONDS WEST, 7.07 FEET TO A POINT.

THENCE SOUTH 00 DEGREES 00 MINUTES 00 SECONDS WEST, 75.00 FEET TO A POINT.

THENCE SOUTH 90 DEGREES 00 MINUTES 00 SECONDS WEST, 3.35 FEET TO A POINT.

THENCE SOUTH 00 DEGREES 15 MINUTES 47 SECONDS WEST, 71.69 FEET TO A POINT ON THE NORTH RIGHT OF WAY LINE OF CUNNINGHAM PLACE (40 FOOT TOTAL RIGHT OF WAY WIDTH).

THENCE ALONG THE NORTH RIGHT OF WAY LINE OF CUNNINGHAM PLACE, NORTH 89 DEGREES 46 MINUTES 23 SECONDS WEST, 93.41 FEET TO THE POINT OF BEGINNING.

SAID TRACT CONTAINING 1.6936 ACRES (73,775 SQUARE FEET).

LEGAL DESCRIPTION: PHASE I MR-3

ALL THAT TRACT OR PARCEL OF LAND LYING AND BEING IN LAND LOT 117 OF THE 14TH DISTRICT OF FULTON COUNTY (CITY OF ATLANTA), GEORGIA, AND BEING MORE PARTICULARLY DESCRIBED AS FOLLOWS:

COMMENCING FROM A POINT AT THE INTERSECTION OF THE NORTH RIGHT OF WAY LINE OF CUNNINGHAM PLACE (40 FOOT TOTAL RIGHT OF WAY WIDTH) AND EAST RIGHT OF WAY LINE OF PEEPLES STREET (50 FOOT TOTAL RIGHT OF WAY WIDTH) SAID POINT BEING NORTH 51 DEGREES 29 MINUTES 00 SECONDS EAST, 31.96 FEET FROM A NAIL AND SURVEYOR'S DISK SET AT THE CENTERLINE INTERSECTION OF CUNNINGHAM PLACE AND PEEPLES STREET.

THENCE ALONG THE EAST RIGHT OF WAY LINE OF PEEPLES STREET, NORTH 00 DEGREES 00 MINUTES 44 SECONDS EAST, 508.97 FEET TO THE POINT OF BEGINNING.

THENCE CONTINUING ALONG THE EAST RIGHT OF WAY LINE OF PEEPLES STREET, NORTH 00 DEGREES 00 MINUTES 44 SECONDS EAST, 211.51 FEET TO A POINT LOCATED AT THE INTERSECTION OF THE EAST RIGHT OF WAY LINE OF PEEPLES STREET AND THE SOUTH RIGHT OF WAY LINE OF SELLS AVENUE (60 FOOT TOTAL RIGHT OF WAY WIDTH).

THENCE ALONG THE SOUTH RIGHT OF WAY LINE OF SELLS AVENUE, NORTH 88 DEGREES 16 MINUTES 02 SECONDS EAST, 629.37 FEET TO A POINT.

THENCE LEAVING THE SOUTH RIGHT OF WAY LINE OF SELLS AVENUE, SOUTH 00 DEGREES 00 MINUTES 00 SECONDS WEST, 159.39 FEET TO POINT.

THENCE SOUTH 89 DEGREES 59 MINUTES 27 SECONDS WEST, 30.65 FEET TO A POINT.

THENCE SOUTH 00 DEGREES 00 MINUTES 00 SECONDS WEST, 433.55 FEET TO A POINT.

THENCE SOUTH 90 DEGREES 00 MINUTES 00 SECONDS WEST, 140.88 FEET TO A POINT.

THENCE SOUTH 00 DEGREES 00 MINUTES 00 SECONDS WEST, 65.21 FEET TO A POINT.

THENCE SOUTH 89 DEGREES 57 MINUTES 08 SECONDS WEST, 40.35 FEET TO A POINT.

2-02-65

page 5 of 7

THENCE SOUTH 00 DEGREES 15 MINUTES 47 SECONDS WEST, 82.97 FEET TO A POINT ON THE NORTH RIGHT OF WAY LINE OF CUNNINGHAM PLACE.

THENCE ALONG THE NORTH RIGHT OF WAY LINE OF CUNNINGHAM PLACE, NORTH 89 DEGREES 46 MINUTES 23 SECONDS WEST, 323.57 FEET TO A POINT.

THENCE LEAVING THE NORTH RIGHT OF WAY LINE OF CUNNINGHAM PLACE, NORTH 00 DEGREES 15 MINUTES 47 SECONDS EAST, 71.69 FEET TO A POINT.

THENCE NORTH 90 DEGREES 00 MINUTES 00 SECONDS EAST, 3.35 FEET TO A POINT.

THENCE NORTH 00 DEGREES 00 MINUTES 00 SECONDS EAST, 75.00 FEET TO A POINT.

THENCE ALONG AN ARC OF A CURVE TO THE RIGHT 7.85 FEET SAID ARC HAVING A RADIUS OF 5.00 FEET AND BEING SUBTENDED BY A CHORD OF NORTH 45 DEGREES 00 MINUTES 00 SECONDS EAST, 7.07 FEET TO A POINT.

THENCE SOUTH 90 DEGREES 00 MINUTES 00 SECONDS EAST, 89.75 FEET TO A POINT.

THENCE ALONG AN ARC OF A CURVE TO THE LEFT 7.85 FEET SAID ARC HAVING A RADIUS OF 5.00 FEET AND BEING SUBTENDED BY A CHORD OF NORTH 45 DEGREES 00 MINUTES 00 SECONDS EAST, 7.07 FEET TO A POINT.

THENCE NORTH 00 DEGREES 00 MINUTES 00 SECONDS EAST, 106.88 FEET TO A POINT.

THENCE ALONG AN ARC OF A CURVE TO THE LEFT 7.85 FEET SAID ARC HAVING A RADIUS OF 5.00 FEET AND BEING SUBTENDED BY A CHORD OF NORTH 44 DEGREES 59 MINUTES 59 SECONDS WEST, 7.07 FEET TO A POINT.

THENCE NORTH 89 DEGREES 59 MINUTES 58 SECONDS WEST, 4.03 FEET TO A POINT.

THENCE NORTH 00 DEGREES 00 MINUTES 06 SECONDS EAST, 130.00 FEET TO A POINT.

THENCE ALONG AN ARC OF A CURVE TO THE LEFT 7.85 FEET SAID ARC HAVING A RADIUS OF 5.00 FEET AND BEING SUBTENDED BY A CHORD OF NORTH 44 DEGREES 59 MINUTES 57 SECONDS WEST, 7.07 FEET TO A POINT.

2-02-05
Page 6 of 7

THENCE NORTH 90 DEGREES 00 MINUTES 00 SECONDS WEST, 56.19
FEET TO A POINT.

THENCE NORTH 70 DEGREES 18 MINUTES 44 SECONDS WEST, 21.85
FEET TO A POINT.

THENCE NORTH 13 DEGREES 37 MINUTES 25 SECONDS WEST, 13.78
FEET TO POINT.

THENCE NORTH 00 DEGREES 00 MINUTES 00 SECONDS EAST, 85.01
FEET TO A POINT.

THENCE NORTH 89 DEGREES 59 MINUTES 58 SECONDS WEST, 102.70
FEET TO THE POINT OF BEGINNING.

SAID TRACT CONTAINING 7.9000 ACRES (344,124 SQUARE FEET).

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Z-02-65
page 7 of 7